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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,703	07/30/2003	Traugott Marquardt	1509-429	5353

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EXAMINER

NGUYEN, CHI Q

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/629,703	MARQUARDT, TRAUGOTT <i>ST</i>
	Examiner	Art Unit
	Chi Q Nguyen	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 July 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 7/30/03 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1.) Certified copies of the priority documents have been received.
 2.) Certified copies of the priority documents have been received in Application No. _____.
 3.) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input checked="" type="checkbox"/> Other: <u>Exhibit A</u>

DETAILED ACTION

Claim Objections

Claims 1-5 are objected to because of the following informalities: it's not clear that the claims are intended as combination between an underfloor cable junction unit and a raised floor. Because the preambles are set forth an underfloor cable junction unit and the claim body recites "having floor panels with cooling air outlets". Thus the claimed language is inconsistent. Clarification is required.

Claims 16 and 28 are objected to because of the following informalities: the applicant's is advised to amend the phrase "portal-like". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases "can be" recited in claim 3, "at least some of" recited in claim 11 do not clearly set forth the metes and bounds of the patent protection desired.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Zetena (US 5,316,244).

In regard claims 1-3, and 5, Zetena teaches a fiber optics cable raceway and supporting brackets comprising an underfloor cable junction unit 1 having topside or a major port of it is open, lateral sides 7. The unit 1 can be installed below the floor by the use of brackets (see Abstract and figure 1).

Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Feeney (US 5,467,609).

Feeney teaches modular floor sub-structure for the operational support of computer system comprising a raised floor 32 on which computer systems are arranged. The raised floor 32 having underfloor junction unit 80 and the underfloor junction unit 80 having open top (fig. 2). The computers 12 are connected to permanent date cables 256 running under the raised floor. The raised floor having modules 37, 38, in addition to conventional tiles 55, 57, will be seen to contain such tiles as are shown at 50, 51, each carrying a pattern of air entry holes or openings providing for an air input to the cooling coils or ducts (see col. 6, lines 2-6).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Simonson et al. (US 2004/0035983).

In regard claims 16, 17, Simonson teaches adjustable cable restraint comprising a frame 50. The frame 50 comprising portal-like front parts and sidebars 22, 22' connecting the front parts, such that the portal-like front parts are arranged opposite each other (see fig. 12), and the frame 50 having openings 52.

In regard claims 18-21, Simonson further teaches the sidebars 22, 22' are in different height by changing different mounting holes on the frame and different width and dismountable manner (see figs. 7 and 9) by tighten or loosing threaded ends 36.

In regard claims 22-24, Simonson shows in figures 11-12, at least one of the faces of the frame is equipped with rows of connectors 24, 24' and at least one horizontal sidebar 22, patch cable guiding elements 62 arrange laterally on at least one of the faces of the junction unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6-15, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zetena.

In regard claims 4, 6-13, 15, 26, 27, Zetena teaches the structural elements for the supporting brackets for cable raceways including a plurality of connectors 54 (figs. 7-8). The connectors 54 having open slits 57 and are slide-in and dismountable manner connectors along the open face of the unit by adjusting locking clips 25. And the fiber

optics cables 3 sever as computer cables or data cables, which inherently connected to computers. Zetena does not specifically teach the connectors are arranged in rows on at least two levels one above the other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the connectors in rows on at least two levels one above the other, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. The motivation for doing would have been to provide more spaces thus for mounting more cables.

In regard claim 14, Zetena shows in figures 1, 8, 10, and 14, the junction unit has inside, and wherein connectors 25 of slide-in connector units are arranged such the permanent cable connections are provided at an inner side of the connectors facing the inside of the junction unit and plug-in patch cable connections 54 are provided at an outward facing side of the connectors.

Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feeney in view of Simonson.

Feeney teaches the structural elements for the modular floor sub-structure the operational support of computer systems as stated. Feeney does not teach expressly the junction unit having a frame structure with a frame, the frame comprising portal-like front parts and sidebars connecting the front parts, such that the portal like front parts are arranged opposite each other, and having rows of connectors. Simonson teaches adjustable cable restraint having a frame 50, which comprising portal-like front parts and sidebars 22, 22', connecting the front parts, such that the portal-like front parts are

arranged opposite each other, and rows of connector C (see attached figure 12 with label) for routing cables pass through. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Feeney's computer subfloor support unit with Simonson, which having connectors on the frame structures, portal-like and sidebars. The motivation for doing so would have been to provide more integrity for the junction unit. Thus more cable connectors could be mounted along the sidebars for routing more cables.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, Bauer (US 6,129,3160), Franz (US 6,438,309), Vicain (US 5,918,837), Waddell (US 5,834,693) teach computer support bracket and cable assembly.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


CQN
10/18/04



Carl D. Friedman
Supervisory Patent Examiner
Group 3600

